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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,715	12/16/2003	Takahiro Ohta	018842.1283	3455

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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/735,715	Applicant(s) OHTA ET AL.	
	Examiner Greg Binda	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a): In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) 1-18, 20, 22, 23 and 26-46 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 21, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3679

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 1-18, 20, 22, 23 & 26-46 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election of Species III (shown in Figs. 5 & 6) was made **without** traverse in the reply filed on December 16, 2005.

Claims 33, 35, 39 & 39 have been withdrawn because those claims read only on an unelected species as argued by applicant in item 4 of his remarks in the amendment filed May 5, 2006.

Specification

3. The disclosure is objected to because:
 - a. Figs. 11A & 11B and reference characters 14L & 14S appear in the drawings but are not referenced in the detailed description.
 - b. Page 10, line 25 describes the resilient member 14 as having “a means for damping” but does not describe what element and/or feature is being damped by said means.
 - c. At page 11, line 3 the word “value” is misspelled
 - d. Page 12, line 20 states that “a lubricant” is not shown. However, according to the brief description of Fig. 11A, just such a lubricant is shown.

Claim Rejections - 35 USC § 102

4. Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Hatakeyama, US 5,944,156. Figs. 4-6 show a power transmission comprising: a first rotating member 1 comprising at least one first concave portion 3 formed on an inner circumference of the first rotating member 1; a second rotating member 5 comprising at least one second concave portion 6 formed on an outer circumferential surface of the second rotating member, wherein the at least one second concave portion comprises an entrance portion 8 having a width which is less than an interior width of the second concave portion; and a resilient member 2 slidably held by the entrance portion. Fig. 4 shows the resilient member 2 prevents the first member 1 from rotating relative to the second member 5 when torque is less than a predetermined amount (see also col. 4, lines 28-42). Fig. 5 shows the resilient member 2 deforms and disengages from the first concave portion 3 when torque is greater than the predetermined amount (see also col. 4, lines 43-65). The elastic material (see “rubber” in col. 5, line 12) provides the resilient member 2 with a “means for damping”.

5. Claims 19 & 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Geisthoff, US 4,802,326. Fig. 5 shows a power transmission comprising: an annular-shaped first rotating member 1 comprising at least one first concave portion 24 formed on an inner circumference of the first rotating member 1; a disc-shaped second rotating member 2 comprising at least one second concave portion 10 formed on an outer circumferential surface of the second rotating member, wherein the at least one second concave portion comprises an entrance portion 9 having

a width which is less than an interior width of the second concave portion; and a resilient member 3 slidably held by the entrance portion. Fig. 2 shows the resilient member 3 prevents the first member 1 from rotating relative to the second member 2 when torque is less than a predetermined amount. Fig. 4 shows the resilient member 3 deforms and disengages from the first concave portion 24 when torque is greater than the predetermined amount. Fig. 5 shows the resilient member comprises an annular member and a means for damping 13, 20, a means that comprises a notch 20.

Claim Rejections - 35 USC § 103

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakeyama in view of Wolff, US 2,543,396. Hatakeyama shows all the limitations of the claims but does not expressly disclose a lubrication layer between the resilient member and the first concave portion. In Fig. 4 Wolff shows a power transmission comprising a lubrication layer 38 between a resilient member 24 and a rotating member 14. In col. 4, lines 1-10, Wolff teaches providing the power transmission with the lubrication layer 38 in order to perfect separation between the rotating members. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the power transmission of Hatakeyama by including a lubrication layer between the resilient member and the first concave portion in order to perfect separation between the rotating members as taught by Wolff.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hatakeyama in view of Zeidler, US 3,183,684. Hatakeyama shows all the limitations of the claims but does not

Art Unit: 3679

expressly disclose a self-lubricating connecting member. In col. 1, lines 59-61, Zeidler teaches providing a power transmission with self-lubricating connecting members in order to reduce friction between the rotating members. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the power transmission of Hatakeyama by including a self-lubricating connecting member in order to reduce friction between the rotating members as taught by Zeidler.

Response to Arguments

8. Applicant's arguments filed May 5, 2006 have been fully considered but they are not persuasive.

a. Applicant argues that Hatakeyama fails to anticipate claim 19 because it allegedly fails to disclose the resilient member 2 as having a means for damping. However, as noted in the rejection above, the elastic material disclosed at col. 5, line 12 provides the resilient member 2 with a means for damping.

b. Applicant argues that Geisthoff fails to anticipate claims 19 & 21 because it fails to disclose the resilient member 3 as having a means for damping. However, as noted in the rejection above, the resilient member 3 is shown with a means for damping 13, 20 comprising a notch 20.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3679

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (571) 272-7077. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Greg Binda
Primary Examiner
Art Unit 3679